

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELY EDDI,

Plaintiff,

-v-

ELLIOT ANTEBI *et al.*,

Defendants.
-----X

24 Civ. 520 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff filed his Complaint on January 24, 2024 and again on January 25, 2024, invoking the Court’s subject matter jurisdiction on the ground of diversity of citizenship under 28 U.S.C. § 1332(a). Dkt. 1; Dkt. 20 (“Compl.”). According to the Complaint, Plaintiff is domiciled in New Jersey and is a member of Defendants 169-171 BH LLC, Downtown NS LLC, 262 BH LLC, and SOMI Retail BH LLC. Compl. ¶¶ 2, 6.

This Court has an unflagging obligation to assure itself of its own subject-matter jurisdiction. “[A] case qualifies for diversity jurisdiction under § 1332(a) only when there is complete diversity between the adverse parties, i.e., only when no plaintiff is a citizen of the same state as any defendant.” *Atanasio v. O’Neill*, 235 F. Supp. 3d 422, 424 (E.D.N.Y. 2017). As relevant here, a limited liability company (“LLC”) takes the citizenship of its members. *See Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48, 51-52 (2d Cir. 2000); *see also Brady v. IGS Realty Co.*, No. 19 Civ. 10142 (PAE), 2020 WL 5414683, at *10 (S.D.N.Y. Sept. 8, 2020). “Thus, in general, a plaintiff who is a member of an LLC cannot bring a diversity action against the LLC.” *Walpert v. Jaffrey*, 127 F. Supp. 3d 105, 119 (S.D.N.Y. 2015) (internal quotation marks omitted).

Accordingly, it is hereby ORDERED that by February 5, 2024, Plaintiff shall file a letter of no longer than three pages advising the Court as to why the exercise of diversity jurisdiction would be proper here. If Plaintiff fails to properly establish this Court's jurisdiction pursuant to 28 U.S.C. § 1332(a), the Court may dismiss this action for lack of subject matter jurisdiction.

SO ORDERED.

Dated: January 29, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN
United States District Judge